

Message Text

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ORIGIN L-03

INFO OCT-01 AF-08 ARA-10 EUR-12 EA-09 ISO-00 OES-06 COME-00
EB-07 SIG-02 FEA-01 ACDA-10 AGRE-00 AID-05 CEA-01
CEQ-01 CG-00 CIAE-00 CIEP-02 DLOS-06 DODE-00 DOTE-00
EPA-04 ERDA-07 FMC-02 TRSE-00 H-02 INR-07 INT-05
IO-13 JUSE-00 NSAE-00 NSC-05 NSF-02 OMB-01 PA-02
PM-04 PRS-01 SP-02 SS-15 USIA-15 SAL-01 SMI-01 /173 R

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OES/OFA - MR. MONKS

EUR/CAN - MR. ROUSE

EB - MR. WHITE (INFO)

EUR/WE - MR. BEIGEL (INFO)

----- 054305 /14

R 180340Z DEC 76

FM SECSTATE WASHDC

TO AMEMBASSY OTTAWA

AMEMBASSY PARIS

INFO AMEMBASSY MEXICO

AMEMBASSY SAN JOSE

AMEMBASSY GUATEMALA

AMEMBASSY MANAGUA

AMEMBASSY SAN SALVADOR

AMEMBASSY TEGUCIGALPA

AMEMBASSY PANAMA

AMEMBASSY BOGOTA

AMEMBASSY QUITO

AMEMBASSY LIMA

AMEMBASSY SANTIAGO

AMEMBASSY TOKYO

AMEMBASSY MADRID

AMEMBASSY PORT OF SPAIN

AMCONSUL CURACAO

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AMEMBASSY LISBON

AMEMBASSY KUALA LUMPUR

AMEMBASSY SINGAPORE

AMEMBASSY JAKARTA

AMEMBASSY MANILA

AMEMBASSY SEOUL

AMEMBASSY TAIPEI
AMEMBASSY CANBERRA
AMEMBASSY PORT MORESBY
AMEMBASSY WELLINGTON
AMEMBASSY FREETOWN
AMEMBASSY ABIDJAN
AMEMBASSY ACCRA
AMEMBASSY NAIROBI
AMEMBASSY DAKAR
AMEMBASSY NOUAKCHOTT
AMEMBASSY TANANARIVE
AMEMBASSY PRETORIA
AMEMBASSY BUENOS AIRES
AMEMBASSY REYKJAVIK
AMEMBASSY STOCKHOLM
AMEMBASSY OSLO
AMEMBASSY COPENHAGEN
AMEMBASSY LONDON
AMEMBASSY WARSAW
AMEMBASSY MOSCOW
AMEMBASSY SOFIA
AMEMBASSY BUCHAREST
AMEMBASSY CARACAS
AMEMBASSY ROME
AMEMBASSY BERLIN
AMEMBASSY BONN

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TAGS: EFIS

SUBJECT: TUNA/PORPOISE CONNECTION

REF: (A) STATE 263232
(B) STATE 260143

1. UNDER U.S. DEPT. OF COMMERCE/NATIONAL MARINE FISHERIES
SERVICE (NMFS) REGULATIONS IN EFFECT AS OF NOVEMBER 11, 197
US FISHERMEN ARE PROHIBITED FROM ENCIRCLING MARINE MAMMALS
DURING PURSE SEINING OPERATIONS FOR YELLOWFIN TUNA. AS A
RESULT OF THIS PROHIBITION, YELLOWFIN TUNA IMPORTS ARE
AFFECTED. SHIPMENTS OF YELLOWFIN TUNA INTO THE UNITED
STATES MUST BE ACCOMPANIED BY STANDARD DOCUMENTATION INCLU-
DING A CERTIFICATION THAT THE FISH WERE NOT CAUGHT IN A
MANNER PROHIBITED FOR U.S. FISHERMEN BY U.S. REGULATIONS.
SINCE NOVEMBER 11, THE NMFS HAS CONSTRUED ANY SUCH CERTIFI-

CATION TO INDICATE THAT

(1) NO MARINE MAMMALS WERE TAKEN IN ACCORDANCE WITH THE YELLOWFIN TUNA CAUGHT AFTER NOVEMBER 11, 1976, OR

(2) YELLOWFIN TUNA CAUGHT PRIOR TO NOVEMBER 11, 1976 WERE NOT TAKEN IN A MANNER PROHIBITED FOR U.S. FISHERMEN BY REGULATIONS THEN IN EFFECT.

2) THESE REQUIREMENTS WILL REMAIN IN EFFECT UNTIL DECEMBER

31, 1976, AND THEREAFTER UNLESS THE NMFS PROMULGATES INTERIM REGULATIONS PERMITTING U.S. FISHERMEN TO KILL A QUOTA OF PORPOISES INCIDENT TO COMMERCIAL TUNA FISHING OPERATIONS. IT IS ANTICIPATED THAT NEW FINAL REGULATIONS GOVERNING U.S. TUNA FISHING OPERATIONS AND AFFECTING IMPORTS WILL NOT BE PROMULGATED IN FINAL FORM UNTIL SPRING, 1977. (PROPOSED 1977 REGULATIONS ARE DISCUSSED IN REFTEL (B)). IT SHOULD UNCLASSIFIED

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BE NOTED THAT YELLOWFIN TUNA NOT CAUGHT IN ASSOCIATION WITH MARINE MAMMALS MAY CONTINUE TO BE IMPORTED UNDER THESE INTERIM PROCEDURES, IF ACCOMPANIED BY REQUIRED DOCUMENTATION.

3) THESE PROCEDURES REFLECT THE NMFS POSITION THAT IMPORTS OF YELLOWFIN TUNA CAUGHT IN ASSOCIATION WITH MARINE MAMMALS MAY BE PROHIBITED WHENEVER U.S. FISHERMEN HAVE REACHED THEIR ANNUAL QUOTA OF MARINE MAMMALS (AS IS NOW THE CASE). THIS POSITION IS DIFFICULT TO IMPLEMENT IN PRACTICE, SINCE IT IS VIRTUALLY IMPOSSIBLE TO DETERMINE WHETHER INDIVIDUAL BATCHES OF YELLOWFIN TUNA HAVE BEEN CAUGHT IN ASSOCIATION WITH MARINE MAMMALS. (FYI: THE DEPARTMENT HAS PROBLEMS WITH THE NMFS POSITION SINCE IT WOULD IN PRINCIPLE PROHIBIT YELLOWFIN TUNA IMPORTS FROM COUNTRIES WHOSE FISHERMEN HAD NOT YET REACHED COMPARABLE PORPOISE QUOTAS. END FYI). CONSEQUENTLY, THE PRACTICAL IMPACT OF THE NMFS POSITION WILL BE LIMITED AS LONG AS THE INDIVIDUAL CERTIFICATION SYSTEM REMAINS IN EFFECT, WHICH IS LIKELY TO BE THE CASE UNTIL THE 1977 REGULATIONS ARE IMPLEMENTED.

4) INFO ADDRESSEES ARE PROVIDED WITH THE ABOVE AS FOLLOW-UP TO REFTELS AND TO BE USED TO RESPOND TO ANY QUERIES FROM HOST GOVERNMENTS. U.S. REGULATIONS ON YELLOWFIN TUNA IMPORTS ARE IN A STATE OF FLUX, AND THE DEPARTMENT IS CONSULTING WITH THE NMFS REGARDING CHANGES IN THE EXISTING CERTIFICATION SCHEME.

5) FOR OTTAWA AND PARIS ONLY: CANADA AND FRANCE HAVE MDF BLANKET CERTIFICATIONS TO THE U.S. THAT ALL VESSELS FISHING UNDER THEIR FLAGS FOR YELLOWFIN TUNA ARE FISHING IN ACCOR-

DANCE WITH U.S. REGULATIONS. SINCE U.S. FISHERMEN ARE PROHIBITED FROM ENCIRCLING MARINE MAMMALS IN CONNECTION WITH YELLOWFIN TUNA PURSE SEINE FISHING OPERATIONS AFTER NOVEMBER 11, THE NMFS REQUESTS THAT CANADA AND FRANCE CONFIRM THAT VESSELS FISHING UNDER THEIR FLAGS ARE LIKEWISE PROHIBITED FROM ENCIRCLING MARINE MAMMALS IN THE COURSE OF UNCLASSIFIED

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YELLOWFIN TUNA PURSE SEINING OPERATIONS. EMBASSIES ARE REQUESTED TO MAKE THIS INFORMATION KNOWN TO APPROPRIATE HOST COUNTRY OFFICIALS. GOC AND GOF SHOULD MAKE CONFIRMATIONS IN WRITING TO EMBASSY FOR TRANSMITTAL TO THE DIRECTOR, NATIONAL MARINE FISHERIES SERVICE, WASHINGTON, D.C.
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Margaret P. Grafeld
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